

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

WILLIAM J. FERRIS III,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>3:24-cv-304-MPM-JMV</u>
)	
AMAZON.COM SERVICES, LLC,)	
)	
Defendant.)	

**DEFENDANT AMAZON.COM SERVICES LLC’S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Amazon.com Services LLC (hereinafter “Defendant”), by and through its undersigned attorneys, hereby gives notice that the civil action currently pending in the Circuit Court of Marshall County, Mississippi, identified as *William J. Ferris III v. Amazon.com Services, LLC* Case No. 1:24-cv-00383-JKL, is removed to this Court without waiving any rights to which Defendant may be entitled, and says:

I. BACKGROUND AND PROCEDURAL PREREQUISITES

1. On August 26, 2024, Plaintiff William J. Ferris (“Plaintiff” or “Ferris”) initiated an action in the Circuit Court of Marshall County, Mississippi, by filing a Complaint captioned *William J. Ferris III v. Amazon.com Services, LLC* Case No. 1:24-cv-00383-JKL (hereinafter, the “State Court Action”).

2. Plaintiff's State Court Action asserts claims under the National Labor Relations Act, 42 U.S.C. §2000(e), Title VII of the Civil Rights Act of 1964, and intellectual property law. *See generally* Compl.

3. Removal of Plaintiff's action is proper to this federal district because the original action occurred in Marshall County, which falls within the Oxford Division of this Court. *See* 28 U.S.C. § 1441(a).

4. Plaintiff uploaded a copy of the Complaint to Defendant's human resources portal on August 26, 2024. Defendant has not yet answered the Complaint.

5. Pursuant to 28 U.S.C. §1446(a) and District Local Rule 5, a copy of the entire state court record, including all orders, pleadings, and process which have to date been served upon Defendant are attached as follows: a copy of the Civil Cover Sheet of the Circuit Court Case is attached hereto as Exhibit A. A copy of the Complaint is attached hereto as Exhibit B. A copy of the summons for Defendant is attached hereto as Exhibit C. A copy of Plaintiff's Affidavit for Commencement of Complaint Without Prepayment of Filing Fee, In Forma Pauperis is attached hereto as Exhibit D.

6. As required by 28 U.S.C. § 1446(d), a Notice to State Court of Filing Notice of Removal, together with a copy of this Notice of Removal, will promptly be filed with the Circuit Court of Marshall County, and served on Plaintiff.

7. Further, as required by Rule 7.1 of the Federal Rules of Civil Procedure, Defendant will promptly file its “Corporate Disclosure Statement.”

8. In compliance with 28 U.S.C. §1446(b)(1), this Notice of Removal is timely filed within thirty (30) days of Defendant ascertaining that this case is removable.

9. By removing this action, Defendant does not waive any defenses available to it and does not admit to any of the allegations in Plaintiff’s Complaint.

II. Grounds for Removal

10. Removal of the State Court Action is proper under §1331 because Plaintiff’s claims involve questions of federal laws and statutes.

11. Removal of the State Court Action is also proper under §1332 because there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. This Action Involves Questions of Federal Law.

12. United States district courts have original jurisdiction over all civil actions that arise under the laws of the United States. 28 U.S.C. §1331.

13. Plaintiff alleges claims for Retaliation in Violation of Labor Law (Count II), and Hostile Work Environment (Count IV). *See* Ex. B.

14. Count II falls under the National Labor Relations Act (“NLRA”). Count IV falls under 42 U.S.C. §2000(e), Title VII of the Civil Rights Act of 1964 (“Title VII”). *See generally* Ex. B.

15. These claims fall under the Court’s federal question jurisdiction pursuant to 28 U.S.C. § 1331.

16. Pursuant to 28 U.S.C. § 1337(a), this Court has supplemental jurisdiction over Plaintiff’s intellectual property law (Count I) and state law defamation claim (Count III) and any state law hostile work environment claim as they are related to claims over which this Court has original jurisdiction and form part of the same case or controversy under Article III of the United States Constitution. To a further point, Plaintiff’s state law claims do not involve any novel or complex issue of state law, nor do they substantially predominate over Plaintiff’s NLRA or Title VII claims. As such, no exceptional or compelling circumstances exist for this Court to decline jurisdiction. 28 U.S.C. § 1367(c).

B. There is Complete Diversity Between Plaintiff and Defendant.

17. Based on the allegations in the State Court Action, Defendants are informed to believe that Plaintiff is a citizen of the State of Mississippi. *See* Ex. B. Upon information and belief, Plaintiff is domiciled in the State of Mississippi for purposes of this Court’s diversity jurisdiction.

18. A corporation is “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1).

19. Plaintiff alleges that Defendant is a corporation doing business in Mississippi, with its principal place of business located at 191 Norfolk Southern Way, Byhalia, Mississippi 38611. *See* Ex. B, ¶ 2.

20. Plaintiff further alleges that Defendant’s corporate headquarters is located at 2021 7th Ave. Seattle, Washington 98121. *See Id.*

21. As Plaintiff acknowledges, Defendant operates a fulfillment center in Byhalia, Mississippi. *See Id.*

22. Amazon.com Services LLC is a Delaware limited liability company with its principal place of business in Seattle, Washington. *See* Exhibit E, Declaration of Zane Brown.

23. Therefore, Defendant is considered to be a citizen of Washington or Delaware. *See* 28 U.S.C. § 1332(c)(1).

24. Accordingly, there is complete diversity between Plaintiff and Defendant.

C. It Is Facially Apparent by Plaintiff’s Requested Relief That the Amount in Controversy Exceeds \$75,000.

25. Defendant adamantly denies any liability as to Plaintiff and denies that it violated the law as alleged by Plaintiff. Nonetheless, a removing defendant

may show that the controversy exceeds \$75,000 by a preponderance of the evidence. *White v. FCI USA, Inc.*, 319 F.3d 672, 675 (5th Cir. 2003).

26. Here, plaintiff's Complaint establishes that the amount in controversy exceeds \$75,000 where Plaintiff states he seeks monetary relief between \$125,000 and \$500,000. *See* Ex. B, ¶ 29; *see also* 28 U.S.C. § 1446(c)(2) (setting forth the general rule that the sum demanded in good faith in the initial pleading is the amount in controversy). Thus, the amount in controversy exceeds \$75,000 and removal is appropriate. *See Mauldin v. Allstate Ins. Co.*, 757 F. App'x 304, 309 (5th Cir. 2018) (holding that plaintiff's petition, which sought damages between \$200,000 and \$1,000,000, satisfied the amount in controversy requirement).

27. For these reasons, removal of the present case based upon diversity jurisdiction is proper.

III. CONCLUSION

WHEREFORE, Defendant Amazon.com Services LLC hereby effects removal of this action to the United States District Court for the Northern District of Mississippi, Oxford Division.

Respectfully submitted on this the 25 day of September, 2024.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of September, 2024, a copy of the foregoing document has been filed with the Clerk of the Court by using the CM/ECF system, which will send electronic notice of such filing, and I hereby certify that I have emailed and mailed via USPS the document, to the following:

William J. Ferris III
230 Roberts Avenue
Holly Springs, MS 38635
William.ferris00@gmail.com

/s/ Joseph Koury
Of Counsel